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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,574	03/03/2004	Ed E. Kalau	PAT 2119-2 US	3107
26123	7590	08/13/2004	EXAMINER	
BORDEN LADNER GERVAIS LLP WORLD EXCHANGE PLAZA 100 QUEEN STREET SUITE 1100 OTTAWA, ON K1P 1J9 CANADA			TO, TUAN C	
			ART UNIT	PAPER NUMBER
			3663	
DATE MAILED: 08/13/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/791,574	KALAU ET AL.
	Examiner Tuan C To	Art Unit 3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 March 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-13, and 16-18 is/are rejected.
 7) Claim(s) 14, 15, 19 and 20 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 03 March 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06/03/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-9, and 16 are rejected under 35 U.S.C. 102(a) as being anticipated by Nathans (U.S. 6581712B1).

Claim 1:

With respect to claim 1, the U.S. reference No. '712B1 to Nathans has been cited as teaching typically a vehicle immobilization system, comprising: a data processor (4) connected with the truck disable device (3) which is a run circuit for enabling or disabling the ignition (Nathans, figure 1, data processor 4, truck disabler 3; column 4, lines 28-44), an input keypad as shown in figure 4 for inputting a specific code (Nathans, column 2, lines 35-53; column 6, lines 24-35), at least one sensor, biometric sensor (5), connected to the processor (4) for sensing the presence of user (Nathans, column 4, lines 13-27). In response to the signal input from said sensor, the processor generates a signal to trigger the armed mode if the sensor does not produce the OK signal (Nathans, column 5, lines 59-67; column 6, lines 1-4). Nathans further discloses

that the processor (4) is responsive to the terrorist acting by disabling the tanker truck (Nathans, column 2, lines 35-53) while the truck is idling or when if the truck driver's hand does not produce the OK signal (Nathans, column 5, lines 59-67; column 6, lines 1-4).

With regard to claim 2, Nathans discloses that the hand reader (5) shown in figure 1 of Nathans would sense the authorized driver, and then provide the OK signal to the processor (4). As a result, the armed mode would be turn the processor (4) from armed mode to the run mode if the vehicle is currently in the armed mode (Nathans, figure 1, hand reader 5).

With regard to claim 3, Nathans describes that the armed mode is on when an unauthorized individual or terrorist try to operate the vehicle (Nathans, abstract).

With regard to claim 4, Nathans, as discussed above, discloses that the hand reader sensor (5) is considered as the biometric sensor detects the presence of a user within the vehicle.

With regard to claim 5, Nathans teaches that the biometric sensor (5) could be facial feature reader connected to the processor (4) to trigger the armed mode (Nathans, figure 1, hand reader 5, processor 4).

With regard to claims 6 and 8, the immobilization system disclosed by Nathans includes the input key-pad located at the steering wheel of the vehicle (Nathans, figure 4, keypad 41).

With regard to claim 7, referring to figure 1 of Nathans, the keyboard (40) coupled via IR transmitter (43) for wirelessly transmitting signal to the processor (4)

With regard to claim 9, the processor (5), illustrated in figure 1 of Nathans, is responsive to the signal from the sensor switch mat that senses the weight of the intruder (Nathans, column 5, lines 11-22).

Claim 16:

With respect to claim 16, the reference to Nathans teaches a vehicle immobilization system, comprising: a biometric sensor (5), connected to the processor (4) for sensing the presence of user (Nathans, column 4, lines 13-27). In response to the signal input from said sensor, the processor generates a signal to trigger the armed mode if the sensor does not produce the OK signal (Nathans, column 5, lines 59-67; column 6, lines 1-4). Nathans further discloses that the processor (4) is responsive to the terrorist acting by disabling the tanker truck (Nathans, column 2, lines 35-53) while the truck is idling or when if the truck driver's hand does not produce the OK signal (Nathans, column 5, lines 59-67; column 6, lines 1-4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3663

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 10-12, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nathans and in view of Flick (U.S. 6696927B2).

Claims 10-12, and 17:

With respect to claims 10, 11, and 17, the U.S. reference No. '712B1 to Nathans has been cited as teaching typically a vehicle immobilization system, comprising: a data processor (4) connected with the truck disable device (3) which is a run circuit for enabling or disabling the ignition (Nathans, figure 1, data processor 4, truck disabler 3; column 4, lines 28-44), an input keypad as shown in figure 4 for inputting a specific code (Nathans, column 2, lines 35-53; column 6, lines 24-35), at least one sensor, biometric sensor (5), connected to the processor (4) for sensing the presence of user (Nathans, column 4, lines 13-27). In response to the signal input from said sensor, the processor generates a signal to trigger the armed mode if the sensor does not produce the OK signal (Nathans, column 5, lines 59-67; column 6, lines 1-4). According to Nathans, the biometric sensor (5) could be facial feature reader connected to the

processor (4) to trigger the armed mode. Nathans further discloses that the processor (4) is responsive to the terrorist acting by disabling the tanker truck (Nathans, column 2, lines 35-53) while the truck is idling or when if the truck driver's hand does not produce the OK signal (Nathans, column 5, lines 59-67; column 6, lines 1-4).

Nathans does not disclose the following: "a remote signal interface operatively connected to the microprocessor for receiving wireless signals from a remote source and wherein microprocessor software can be updated upon receipt of a remote signal"

The secondary reference to Flick is directed to a vehicle security system for a vehicle, comprising a remote transmitter (50) that can switch the controller (11) between armed mode and disarmed mode (Flick, column 8, lines 16-25), and the software of the processor of the controller (11) can be updated upon the receipt of a remote signal (Flick, column 8, lines 3-25).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Nathans to include the teachings as taught by Flick so that a vehicle such as a tanker truck, a trailer or a typical heavy truck that are probably hijacked by terrorists and used for attacking a specific target would be disable in a short period of time after the vehicle has been hijacked, and that the vehicle would be disable by either from a person who is carrying a remote device or from an authorized person at a remote control center.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nathans and in view of Dennis (U.S. 20040113761A1).

With respect to claim 13, Nathans, as represented above, discloses all features as claimed in claim 1 except for the teaching of: "microprocessor is operable in a maintenance mode"

The reference to Dennis has been provided to overcome the missing feature from Nathans by disclosing a vehicle security and maintenance system, in which the on-board computer is operated in a maintenance mode (Dennis, page 3, paragraph [0023]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Nathans to include the teachings as taught by Dennis so that a vehicle component, electronic device, or a particular mechanical system within the vehicle might be diagnosed or replaced in order to maintain the running condition in good condition.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nathans, Flick (U.S. 6696927B2), and further in view of Dennis (U.S. 20040113761A1).

With respect to claim 18, Nathans, as represented above, discloses all features as claimed in claim 1 except for the teaching of: "microprocessor is operable in a maintenance mode"

. The reference to Dennis has been provided to overcome the missing feature from Nathans by disclosing a vehicle security and maintenance system, in which the on-board computer is operated in a maintenance mode (Dennis, page 3, paragraph [0023]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Nathans to include the teachings as taught by Dennis so that a vehicle component, electronic device, or a particular mechanical system within the vehicle might be diagnosed or replaced in order to maintain the running condition in good condition.

Allowable Subject Matter

During the prior art searching, the examiner has found none of the references teaches or disclose a vehicle immobilization, in which the microprocessor requires entry of a maintenance code to enter the maintenance mode or to exit the maintenance mode. Thus, claims 14, 15, 19, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusions

The prior art made of record, which are listed in PTO-892, and not relied upon are considered pertinent to applicant's disclosure includes the following: Simoneau's, Gioia's, and Flick's (U.S. '886).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (703) 308-6273. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner,



Tuan C To

Date: August 6, 2004